

and if they disagreed with the judge as to what the damages were, then to find the judge did not assess the damages (as was his duty to do) fully and adequately compensating the injured person; that whatever amount they determined was the damages should be credited with the amount paid.

By all consideration, historical, procedural and practical, once the damages, properly assessed, are paid and accepted by the injured person there should be no further

recovery. This should be an adjudication of the issue of damages, clearly at issue before the judge as well as before the jury, and should be satisfaction of the liability of a civil nature. This then is "liability imposed by law for damages" for which the insurer agreed to pay. There is no difficulty in interpreting the expression, but, unless the courts hold the payment of the damages assessed by the criminal court to be final there will be difficulty in its application.

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